REMARKS

Brief Status of the Application

All of pending claims 1-26 were rejected in the recent Office Action. By the present amendment, Applicant has amended claims 1-26 and added new claims 28-43. Claims 1-26 and 28-43 are now under consideration. Claims 1, 13, 28 and 36 are independent claims.

Newly added claims 28-35 are directed to an improved information marking plate, and newly added claims 36-43 are directed to an improved information marking plate for recording electrical and circuitry information for an electric fixture. Newly added claims 28-35 and 36-43 are similar to claims 1-12 and 13-26, respectively, in that the improved information marking plate of claims 28-35 and 36-43 comprises a marking plate and an information template, but do not comprise means to secure the marking plate to the corresponding device or electric fixture. These newly added claims 28-35 and 36-43 are supported by the specification and drawings of the original application and, thus, no new matter has been added.

A substitute specification is filed herewith because Applicant has made corrections to misspellings and informalities throughout the specification in response to the Examiner's objections in the recent Office Action, and has made numerous revisions throughout the specification to further clarify the present invention. These corrections and revisions are supported by the specification, drawings and claims of the original application and, thus, no new matter has been added.

Election/Restrictions

Applicant's election without traverse of group I (claims 1-26) and withdrawal of claim 27 from further consideration as being drawn to a nonelected invention in Paper No. 5 was acknowledged by the Examiner.

Drawings Objection

The drawings were objected to for not showing the at least one screw and the adhesive material as claimed in claims 11 and 23 and claims 12 and 24, respectively. Additional drawing sheets 4 and 5 showing FIGS. 6 and 7, respectively, are submitted herewith to show the at least one screw and the adhesive material as claimed in claims 11 and 23 and claims 12 and 24, respectively. No new matter has been added. Thus, Applicant respectfully requests that the Examiner withdraw the objection relating to the drawings and add additional drawing sheets 4 and 5 to the pending application.

Specification Objection

The abstract of the disclosure was objected to for not being in single paragraph format, for containing more than 150 words, and for containing the word "invention" on lines 2, 3 and 6. Applicant has amended the abstract to place the abstract in proper form and to provide further clarification to the present invention. No new matter has been added. Thus, Applicant respectfully requests that the Examiner withdraw the objections relating to the abstract.

Rejections under 35 U.S.C. § 102

Claims 1, 2, 11-14, 23 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Katwala (6,254,967).

The Examiner stated that "Katwala shows in figures 1-9 a marking plate (12 or 112) including an information template (see the indicia on the plate, figures 6 and 9) comprised of an organized array, and means (screws and adhesive) for securing the plate."

Also, the Katwala reference discloses that the Katwala invention relates to nonmetallic nameplates or labels with product identifying information thereon for permanently securing to electrical plugs and connectors. (See column 1, lines 8-13 of the Katwala reference) "Electrical plugs used to deliver electrical current from an energized receptacle to an electrical device, such

as a motor, piece of machinery, etc., are well known in the art. Generally, they consist of a cable or cord containing two or more conductor wires that are attached to an equal number of terminals fixed in a connector housing. Once the plug is inserted into the receptacle, current travels through the conductor wires to the electrical device." (See column 1, lines 15-22 of the Katwala reference) Significantly, and of a fundamental difference, the limited information on the nameplate in the Katwala reference is not selectable. Rather, it is pre-recorded on the electric plug. As such, a user of the electric cord would have no ability to select or modify the information that was pre-recorded onto the plug at the time that the plug was manufactured. The present invention herein, however, allows the installer of the device or fixture to select information at the time of installation that is specific to that device or fixture. Accordingly, the invention herein has almost an infinite number of information selection options depending on the specifics of each circumstance. The Katwala reference does not teach the ability of the user or installer of a device or fixture to select device or fixture specific information at the moment of installation.

Additionally, the Katwala reference discloses and shows a nameplate (12, 112) comprising a dielectric layer having a first side with product identifying indicia imprinted thereon (see column 2, lines 15-16 and 31-32; column 4, lines 56-63; column 6, lines 36-42; claim 1, lines 2-3; claim 11, lines 2-3; claim 20, lines 2-3; claim 27, lines 2-3; claim 33, lines 2-3; and FIGS. 5 and 9 of the Katwala reference) and having a second side for engaging the electrical device. (See column 2, lines 16-17 of the Katwala reference) Further, the Katwala reference discloses that the second side is preferably coated with an adhesive layer for securing the nameplate to the center section (28) of the housing (14, 114) of the device. (See column 4, lines 64-66 of the Katwala reference) In addition, the Katwala reference discloses that the mounting tabs (72, 172) overlie the end surface of the second end (40) of the center section such

that they overlie the screw holes which receive screws (54) to secure the nameplate to the center section of the housing. (See column 4, lines 32-34 of the Katwala reference) Furthermore, the Katwala reference discloses that it is one of the objects of the Katwala invention to produce a non-metallic label which is mechanically fastened to the housing of the electrical device, and teaches that it is desirable to avoid having metal located on the exterior of the housing. (See column 1, lines 39-45; and column 2, lines 6-8 of the Katwala reference)

Applicant points out that the improved information marking plate (10) of the present invention differs from the nameplate of the Katwala invention in that the improved information marking plate (10) includes an information template (13) that is different and unique in comparison to the product identifying indicia of the Katwala invention. This information template (13) includes an array of several categories of selectable data or information relevant to a corresponding device that is typically relied upon by electricians and those skilled in the art, and of which the information template from which to select such data is pre-recorded on at least one side, such as the front side (11) or back side (12), of the marking plate prior to the occurrence of the selection process. (See page 1, line 36 to page 2, line 1; page 2, line 12; page 4, lines 20 to page 5, line 10; page 11, lines 8-11; page 13, lines 9-12 and 17-22 of the original application) After specific relevant information is known about the device, the device specific relevant information may then be selected from the selectable data or information and recorded upon, by marking, the information template on the marking plate by electricians and those skilled in the art, operators, installers, manufacturers, and others. (See page 5, lines 11-15; page 11, lines 11-16 of the original application) The marking of the information template may take or be done by many forms, including punching a hole in the corresponding, selectable information data area or box of the information template, engraving or etching that area, or otherwise marking that area with durable, permanent and/or water-proof ink, paint or other media. (See page 2, lines 1-4

and 20-22; page 5, line 15 to page 6, line 2; page 11, lines 16-20; page 14, line 21 to page 15, line 1 of the original application)

On the other hand, the nameplate of the Katwala invention comprises a dielectric layer having a first side with specific product identifying indicia that is already pre-recorded to the first side, but that is not selected from an array of several categories of selectable data or information of an information template. The improved information marking plate disclosed by Applicant herein does not contain already pre-recorded information that is device or fixture specific. Rather, the improved information marking plate may be used for an infinite number of fixtures and devices, and the relevant information as to the corresponding device or fixture is selected at the time that the device or fixture is installed. As such, Applicant's invention may be used under countless number of circumstances. This is vastly different, distinct and unique over the invention disclosed in the Katwala reference.

Also, Applicant points out that the improved information marking plate of the present invention differs from the nameplate of the Katwala invention in that the improved information marking plate includes a marking plate that may be made of stainless steel (see page 1, line 32; page 13, line 14 of the original application), while the Katwala reference teaches away from making the nameplate out of metal.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. § 102.

Rejections under 35 U.S.C. § 103

Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Katwala reference. The Examiner stated that the Katwala reference discloses Applicant's basic inventive concept for the specific electrical information placed upon the tag.

Claims 1-3, 8, 13-15, 20, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hafner et al. (3,828,454) in view of Baehrle, Jr. (3,535,810). The Examiner stated that the Hafner et al. reference shows in figures 1-4 a marking plate (11) including an information template (see the indicia on the plate, figures 1 and 39) comprised of an organized array. Also, the Examiner stated that the Hafner et al. reference does not disclose the idea of using a securing means to secure the marking plate. Further, the Examiner stated that the Baehrle, Jr. reference shows in figures 1-4 a securing means (2) for securing a display to a support surface.

Claims 4, 9, 16 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Baehrle, Jr. reference as applied to claims 1 and 3 above and further in view of Caveney et al. (5,402,592). The Examiner stated that the Hafner et al. reference in view of the Baehrle, Jr. reference disclose Applicant's basic inventive concept except for forming the indicia with paint. Also, the Examiner stated that the Caveney et al. reference discloses in column 2, lines 45-47 the idea of painting on the indicia.

Claims 5, 9, 17 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Baehrle, Jr. reference as applied to claims 1 and 3 above and further in view of Graham (3,782,017). The Examiner stated that the Hafner et al. reference in view of the Baehrle, Jr. reference disclose Applicant's basic inventive concept except for forming the indicia by engraving. Also, the Examiner stated that the Graham reference discloses in column 3, lines 45-50 the idea of forming the indicia by engraving.

Claims 6, 9, 18 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Baehrle, Jr. reference as applied to claims 1 and 3 above and further in view of Robertson (5,855,969). The Examiner stated that the Hafner et al. reference in view of the Baehrle, Jr. reference disclose Applicant's basic inventive concept

except for forming the indicia by laser etching. Also, the Examiner stated that the Robertson reference discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching.

Claims 7, 9, 19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Baehrle, Jr. reference as applied to claims 1 and 3 above and further in view of Samonides (5,346,738). The Examiner stated that the Hafner et al. reference in view of the Baehrle, Jr. reference disclose Applicant's basic inventive concept except for forming the indicia by acid etching. Also, the Examiner stated that the Samonides reference discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching.

Claims 1-3, 8, 13-15, 20, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hafner et al. (3,828,454) in view of Bien (3,383,784). The Examiner stated that the Hafner et al. reference shows in figures 1-4 a marking plate (11) including an information template (see the indicia on the plate, figures 1 and 39) comprised of an organized array. Also, the Examiner stated that the Hafner et al. reference does not disclose the idea of using a securing means to secure the marking plate. Further, the Examiner stated that the Bien reference shows in figures 1-7 a securing means (32,34) for securing a display to a support surface.

Claims 4, 10, 16 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Bien reference as applied to claims 1 and 3 above and further in view of the Caveney et al. reference. The Examiner stated that the Hafner et al. reference in view of the Bien reference disclose Applicant's basic inventive concept except for forming the indicia with paint. Also, the Examiner stated that the Caveney et al. reference discloses in column 2, lines 45-47 the idea of painting on the indicia.

Claims 5, 10, 17 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Bien reference as applied to claims 1 and 3 above and further in view of the Graham reference. The Examiner stated that the Hafner et al. reference in view of the Bien reference disclose Applicant's basic inventive concept except for forming the indicia by engraving. Also, the Examiner stated that the Graham reference discloses in column 3, lines 45-50 the idea of forming the indicia by engraving.

Claims 6, 10, 18 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Bien reference as applied to claims 1 and 3 above and further in view of the Robertson reference. The Examiner stated that the Hafner et al. reference in view of the Bien reference disclose Applicant's basic inventive concept except for forming the indicia by laser etching. Also, the Examiner stated that the Robertson reference discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching.

Claims 7, 10, 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Bien reference as applied to claims 1 and 3 above and further in view of the Samonides reference. The Examiner stated that the Hafner et al. reference in view of the Bien reference disclose Applicant's basic inventive concept except for forming the indicia by acid etching. Also, the Examiner stated that the Samonides reference discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching.

Claims 1-3, 8, 13-15, 20, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of Hough (1,429,347). The Examiner stated that the Hafner et al. reference shows in figures 1-4 a marking plate (11) including an information template (see the indicia on the plate, figures 1 and 39) comprised of an organized array. Also, the Examiner stated that the Hafner et al. reference does not disclose the idea of

using a securing means to secure the marking plate. Further, the Examiner stated that the Hough reference shows in figures 1-5 a securing means (D) for securing a display to a support surface.

Claims 4, 11, 16 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Hough reference as applied to claims 1 and 3 above and further in view of the Caveney et al. reference. The Examiner stated that the Hafner et al. reference in view of the Hough reference disclose Applicant's basic inventive concept except for forming the indicia with paint. Also, the Examiner stated that the Caveney et al. reference discloses in column 2, lines 45-47 the idea of painting on the indicia.

Claims 5, 11, 17 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Hough reference as applied to claims 1 and 3 above and further in view of the Graham reference. The Examiner stated that the Hafner et al. reference in view of the Hough reference disclose Applicant's basic inventive concept except for forming the indicia by engraving. Also, the Examiner stated that the Graham reference discloses in column 3, lines 45-50 the idea of forming the indicia by engraving.

Claims 6, 11, 18 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Hough reference as applied to claims 1 and 3 above and further in view of the Robertson reference. The Examiner stated that the Hafner et al. reference in view of the Hough reference disclose Applicant's basic inventive concept except for forming the indicia by laser etching. Also, the Examiner stated that the Robertson reference discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching.

Claims 7, 11, 19 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Hough reference as applied to claims 1 and 3 above and further in view of the Samonides reference. The Examiner stated that the Hafner et al.

reference in view of the Hough reference disclose Applicant's basic inventive concept except for forming the indicia by acid etching. Also, the Examiner stated that the Samonides reference discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching.

Claims 1-3, 8, 13-15, 20, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of Hansen (6,159,569). The Examiner stated that the Hafner et al. reference shows in figures 1-4 a marking plate (11) including an information template (see the indicia on the plate, figures 1 and 39) comprised of an organized array. Also, the Examiner stated that the Hafner et al. reference does not disclose the idea of using a securing means to secure the marking plate. Further, the Examiner stated that the Hansen reference shows in figures 1-7 a securing means (34) for securing a display to a support surface.

Claims 4, 12, 16 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Hansen reference as applied to claims 1 and 3 above and further in view of the Caveney et al. reference. The Examiner stated that the Hafner et al. reference in view of the Hansen reference disclose Applicant's basic inventive concept except for forming the indicia with paint. Also, the Examiner stated that the Caveney et al. reference discloses in column 2, lines 45-47 the idea of painting on the indicia.

Claims 5, 12, 17 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Hansen reference as applied to claims 1 and 3 above and further in view of the Graham reference. The Examiner stated that the Hafner et al. reference in view of the Hansen reference disclose Applicant's basic inventive concept except for forming the indicia by engraving. Also, the Examiner stated that the Graham reference discloses in column 3, lines 45-50 the idea of forming the indicia by engraving.

Claims 6, 12, 18 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Hansen reference as applied to claims 1 and 3

above and further in view of the Robertson reference. The Examiner stated that the Hafner et al. reference in view of the Hansen reference disclose Applicant's basic inventive concept except for forming the indicia by laser etching. Also, the Examiner stated that the Robertson reference discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching.

Claims 7, 12, 19 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of the Hansen reference as applied to claims 1 and 3 above and further in view of the Samonides reference. The Examiner stated that the Hafner et al. reference in view of the Hansen reference disclose Applicant's basic inventive concept except for forming the indicia by acid etching. Also, the Examiner stated that the Samonides reference discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching.

In regard to the rejections of claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over the Katwala reference, Applicant points out that the improved information marking plate (10) of the present invention differs from the nameplate of the Katwala invention in that the improved information marking plate (10) includes an information template (13) that is different and unique in comparison to the product identifying indicia of the Katwala invention. This information template (13) includes an array of several categories of selectable data or information relevant to a corresponding device that is typically relied upon by electricians and those skilled in the art, and that is pre-recorded on at least one side, such as the front side (11) or back side (12), of the marking plate prior to the occurrence of the selection process. (See page 1, line 36 to page 2, line 1; page 2, line 12; page 4, lines 20 to page 5, line 10; page 11, lines 8-11; page 13, lines 9-12 and 17-22 of the original application) After specific relevant information is known about the device, the device specific relevant information may then be selected from the selectable data or information and recorded upon, by marking the information template on the

marking plate by electricians and those skilled in the art, operators, installers, manufacturers, and others. (See page 5, lines 11-15; page 11, lines 11-16 of the original application) The marking of the information template may take or be done by many forms, including punching a hole in the corresponding, selectable information data area or box of the information template, engraving or etching that area, or otherwise marking that area with durable, permanent and/or water-proof ink, paint or other media. (See page 2, lines 1-4 and 20-22; page 5, line 15 to page 6, line 2; page 11, lines 16-20; page 14, line 21 to page 15, line 1 of the original application)

On the other hand, the nameplate of the Katwala invention comprises a dielectric layer having a first side with specific product identifying indicia that is already pre-recorded to the first side, but that is not selected from an array of several categories of selectable data or information of an information template. Unlike Katwala, the improved information marking plate disclosed by Applicant herein does not contain already pre-recorded information that is device or fixture specific. Rather, the improved information marking plate may be used for an infinite number of fixtures and devices, and the relevant information as to the corresponding device or fixture is selected at the time that the device or fixture is installed. As such, Applicant's invention may be used under countless number of circumstances. This is vastly different, distinct and unique over the invention disclosed in the Katwala reference.

In regard to the rejections of claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over the Hafner et al. reference in view of different combinations of cited references mentioned above, Applicant points out that the improved information marking plate (10) of the present invention differs from the weather resistant tag of the Hafner et al. invention in that the improved information marking plate (10) includes an information template (13) that is different and unique in comparison to the blank lines on the painted surface or coating of the weather resistant tag of the Hafner et al. invention.

The Hafner et al. reference discloses and shows a weather resistant tag (11) made from a lamination of thin soft metal sheet and cross woven fiberglass securely bonded together with an adhesive. (See abstract of the Hafner et al. reference) "The metal has a painted surface or coating which can be marked or written upon with a normal writing instrument such as a pencil or ball point pen. The soft metal is easily embossed by the manual pressure of writing so that a permanent embossed legend is formed. The fiberglass backing provides additional corrosion protection to the opposite side of the tag..." (See column 2, lines 36-42 of the Hafner et al. reference) The painted surface or coating includes blank lines for several categories, such as reel no., length, and size, requiring specific data or information of the product or device for those categories to be recorded upon, by writing, embossing or debossing, the painted surface or coating. (See FIGS. 1 and 3 of the Hafner et al. reference) "... which information can be printed, embossed or debossed either manually and/or mechanically without the need of special marking equipment. Pencils, ballpoint pens, typewriters, teletypewriters, high speed printers and the like can be used to efficiently print and simultaneously emboss data upon the tags without especially hardened type caps or the like. Data may also be impressed into the tags from embossed or debossed credit card type marking apparatus." (See column 3, lines 52-60 of the Hafner et al. reference)

As previously discussed above, the improved information marking plate (10) of the present invention includes an information template (13) that includes an array of several categories of selectable data or information relevant to a corresponding device that is typically relied upon by electricians and those skilled in the art, and that is pre-recorded on at least one side, such as the front side (11) or back side (12), of the marking plate prior to the occurrence of the selection process. (See page 1, line 36 to page 2, line 1; page 2, line 12; page 4, lines 20 to page 5, line 10; page 11, lines 8-11; page 13, lines 9-12 and 17-22 of the original application)

After specific relevant information is known about the device, the device specific relevant information may then be selected from the selectable data or information and recorded upon, by marking, the information template on the marking plate by electricians and those skilled in the art, operators, installers, manufacturers, and others. (See page 5, lines 11-15; page 11, lines 11-16 of the original application) The marking of the information template may take or be done by many forms, including punching a hole in the corresponding, selectable information data area or box of the information template, engraving or etching that area, or otherwise marking that area with durable, permanent and/or water-proof ink, paint or other media. (See page 2, lines 1-4 and 20-22; page 5, line 15 to page 6, line 2; page 11, lines 16-20; page 14, line 21 to page 15, line 1 of the original application)

On the other hand, the weather resistant tag (11) of the Hafner et al. reference includes a painted surface or coating having blank lines for several categories, such as reel no., length, and size, requiring specific data or information of the product or device for those categories to be recorded, by writing, embossing or debossing, upon the painted surface or coating about the blank lines. After specific relevant information is known about the product or device, the specific relevant information is recorded or written about the blank lines upon the painted surface or coating and is not selected from an array of several categories of selectable data or information of an information template. The improved information marking plate disclosed by Applicant herein does not contain blank lines that need to be filled in with specific data or information of the product or device. Rather, the relevant information as to the corresponding device or fixture is selected, by marking, at the time that the device or fixture is installed such that the improved information marking plate may be used for an infinite number of fixtures and devices. As such, Applicant's invention may be used under countless number of circumstances.

This is vastly different, distinct and unique over the invention disclosed in the Hafner et al. reference.

Accordingly, no individual or any combination of the cited references teaches use of an information template which includes an array of several categories of selectable data or information relevant to a corresponding device or fixture.

Thus, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have invented the present invention, nor to have modified the tag of the Hafner et al. reference in view of any of the other cited references.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. § 103(a).

Conclusion

In view of the foregoing amendments and remarks, Applicant submits that this application, claims 1-26, and newly added claims 28-43 are in condition for allowance and respectfully request early and favorable notification to that effect. If it would expedite prosecution of this application, the Examiner is invited to confer with Applicant's undersigned attorney.

Submitted on behalf of Applicant
David M. Beausoleil

By: _____
RICHARD A. CATALINA, JR. (45,372)
Attorney of record for Applicant

Dated: October 22, 2003

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DATE OF DEPOSIT: October 22, 2003

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RICHARD A. CATALINA, JR.

Dated: October 22, 2003